

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
OXFORD DIVISION**

TERRY ROCKETTE

Plaintiff

v.

No. 3:23-cv-00406-MPM-RP

CARPENTER MANAGEMENT COMPANY, et al.

Defendants

ORDER

On October 2, 2024, United States Magistrate Judge Roy Percy issued a Report and Recommendation (“R&R”) [53] recommending the dismissal of Mr. Rockette’s claims against the defendants Terri Vaughan, Celeste Goodson, Lana Hankins, Laura Hankins, Chezelle Ross, Jason Mangrum, Daniel M. Martin, Paul Carpenter, Walter Brooks, Toby Britt, and Water Valley, MS for failure to serve process upon these defendants within the time permitted under Federal Rule of Civil Procedure 4(m). This Court will partially adopt the magistrate judge’s recommendation.

On October 23, 2023, Mr. Rockette filed his original complaint in this matter and later filed an amended complaint on April 4, 2024. On July 30, 2024, the court ordered Mr. Rockette to show cause as to why his claims against the named defendants should not be dismissed for failure to serve process within the time permitted under Fed. R. Civ. P. 4(m). [46] In response, Mr. Rockette requested additional time to serve said defendants, and the court granted an extension until September 12, 2024. [49] When the R&R was filed on October 2, 2024, Mr. Rockette had not served process on any of the named defendants. On October 11, 2024, Mr. Rockette objected to the R&R claiming that some of the defendants listed refused service and pleaded with the court to provide another means for him to serve the defendants. On November 13, 2024, a status conference was held with both parties to address the defendants’ alleged evasion of service. On this same day, the defendants Daniel M. Martin, Jason Mangrum, Walter Brooks, and Toby Britt waived service.

As to the defendants Terri Vaughan, Celeste Goodson, and Paul Carpenter, it was agreed that if Mr. Rockette's process server attempts service of process on those individuals at the office of Carpenter Management during regular business hours, those individuals will accept service of process if present, and if any of them are absent, any one of them who is present will accept service on behalf of the absent one(s). So far as the record indicates, Mr. Rockette has been afforded over thirty (30) days to effectuate service upon these defendants and still has not done so. Therefore, the Court will dismiss the claims against Terri Vaughan, Celeste Goodson, and Paul Carpenter.

As to the defendants Lana Hankins and Chezelle Ross, those individuals are not employed at Carpenter Management. Mr. Rockette has failed to serve process on these defendants within the time permitted under Fed. R. Civ. P. 4(m). For this reason, the claims against Lana Hankins and Chezelle Ross will be dismissed. As to the defendant Laura Hankins, none of the defendants are aware of any person by that name, and the claims against Laura Hankins will also be dismissed.

As to the city of Water Valley, MS, service of process may be executed "[u]pon a municipal corporation by delivering a copy of the summons and complaint to the mayor or municipal clerk of said municipal corporation." Miss. R. Civ. P. 4(d). On September 12, 2024, Mr. Rockette served a summons and complaint upon Mayor Donald Gray of Water Valley, MS, and a summons was returned executed on September 17, 2024. Mr. Rockette properly effectuated service upon the city according to state law, and thus, the claims against Water Valley, MS will not be dismissed.

Accordingly, the R&R [53] shall be **ADOPTED in part**. The claims against Terri Vaughan, Celeste Goodson, Paul Carpenter, Lana Hankins, Chezelle Ross, and Laura Hankins are **DISMISSED with prejudice**. The claims against Daniel M. Martin, Jason Mangrum, Walter Brooks, Toby Britt, and Water Valley, MS remain pending.

SO ORDERED, this 16th day of December, 2024.

/s/Michael P. Mills
UNITED STATES DISTRICT JUDGE
NORTHERN DISTRICT OF MISSISSIPPI